

REMARKS

Claims 1-6, 8, 9, 13-17 and 20-34 were submitted for examination. All claims have been rejected. Claims 9, 15, 22, 25 and 30-34 have been amended. No new matter has been added.

Reconsideration and reexamination of the above-referenced patent application, is respectfully requested.

35 U.S.C. § 103(a) Rejection – Kuga

Claims 1-6, 22-24, and 26-29 were rejected by the Examiner under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,686,940 to Kuga ("Kuga").

Independent claim 1 recites in part:

"a storage device to store measurement code and configuration code to be executed by the processor, the measurement code to determine the distance measured by the sensor, and the configuration code to configure an image to be displayed on the display screen according to the distance, wherein when the distance increases, size of the image is increased, and wherein when the distance decreases the size of the image is decreased."

(Emphasis added.)

Kuga teaches a system having a distance sensor and a comparator to detect a distance to control how an image is displayed on a display such as an LCD. When the distance between a user and the LCD is long (low level output signal), a reduced image is displayed. When the distance between the user and the LCD is short (high level output signal), an enlarged image is displayed on the

LCD. (Col. 3, lines 15-43; Figures 2 and 3). This may be useful in drawing a plan with a CAD (computer aided design) system where the displayed image is reduced to view the entire plan, and the displayed image is partly enlarged to draw the details of the plan. (Col. 1, lines 19-22; Col. 2, line 30 and lines 62-67).

In contrast, the invention as claimed in claim 1 includes "when the distance increases, size of the image is increased, and wherein when the distance decreases the size of the image is decreased". Thus the invention as claimed in claim 1 is not consistent with Kuga's teaching because the size of the image is decreased as the distance decreases rather than enlarged. Kuga's teaches away from the invention as claimed in claim 1.

The Examiner agrees that "...Kuga teaches increasing the size of the image or text with decreasing the distance and decreasing the size of the image or text with increasing the distance between the display screen and the user..." (Office Action mailed on May 5, 2004, page 4, lines 11-13)

The Examiner, however, states that "It would be obvious to one having ordinary skill in the art, being that this system is run by software, that the software could be modified to allow the image size to be increased with an increase in distance as opposed to a decrease in distance and the image size to be decrease(d) with a decrease in distance as opposed to a(n) increase in distance." (Office Action mailed on May 5, 2004, page 4, lines 13-17; page 8 lines 1-2).

Applicant disagrees. As stated above, Kuga has no motivation to decrease the size of the displayed image when the distance decreases or to increase the size of the displayed image when the distance increases. Doing so would defeat

the ability to view the CAD plan in its entirety or in details relative to the distance, as taught by Kuga.

Applicant submits that the Examiner's conclusion of obviousness lacks motivation. Applicant further submits that the Examiner's conclusion is based upon improper hindsight reasoning. Applicant submits that it is not sufficient to merely indicate that because the system taught by Kuga is run by software, the software can be modified to include the limitations as claimed in claim 1. If the Examiner's position were correct, a system with software could be modified to cover many other inventions.

Applicant submits that, at least for the above reasons, the 103(a) rejection has been overcome and that claim 1 is patentable over Kuga. Since claims 2-6 and 8 depend from and further limit claim 1, they are also patentable over Kuga.

Applicant submits that, at least for the above reason, claims 22-24 and 26-29 are also patentable over Kuga.

35 U.S.C. § 102(e) Rejection – Shim

Claims 9, 13-16, 20, 21, and 30-34 were rejected by the Examiner under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0068537 to Shim et al. ("Shim").

Applicant submits that because claims 9, 15, and 30 have been amended to include limitations not taught by Shim, the 102(e) rejection has been overcome, and claims 9, 15, and 30 and their corresponding dependent claims are not anticipated by Shim.

35 U.S.C. § 103(a) Rejection – Kuga & Fatch

Claims 8 and 25 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Kuga and in further view of U.S. Patent No. 6,244,711 to Fatch et al. ("Fatch").

Applicant submits that, at least for the above reason that Kuga's teaching is in contrast with the invention as claimed in claim 1 and 22, and because claim 8 depends from claim 1 and claim 25 depends from claim 22, the 103(a) rejection has been overcome.

35 U.S.C. § 103(a) Rejection – Shim & Kuga

Claim 17 was rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Shim in further view of Kuga.

Applicant submits that, because claim 17 depends from the amended claim 15, the 103(a) rejection has been overcome.

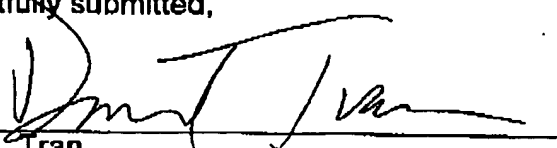
CONCLUSION

Applicant submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call David Tran at (408) 765-4692.

Authorization is hereby given to charge our Deposit Account No. 50-0221 for any charges that may be due.

Respectfully submitted,

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